

Michael and Molly Collin
76 Frances Street
Portland, ME 04102
207-775-9120
mcollin@maine.rr.com

To the Zoning Board of Appeals
City of Portland
389 Congress Street
Portland, ME 04101-3509


We are applying to alter our single family home at 76 Frances Street to include an additional dwelling unit. The proposed addition includes a first floor accessory unit for our in-laws and a second floor with two bedrooms and bath accessible through our existing primary dwelling. In addition to the accessory unit, we are proposing to add a workshop, enlarging our living room, and creating a new rear entrance via a mud room.

We believe the proposed plan meets all conditional use standards in R3 Zone. See [pages 3-4](#) (Conditional Use Standards) for additional explanations.

Our proposed plans fall within the City's setback regulations with the exception of the 25-foot setback from the front property line. The foundation of our existing building sits 14 feet from the property line. Using the prescribed calculation of the average setback of our adjacent neighbors we are proposing to build the addition 14.5 feet from our front property line. Our neighbor to the south (72 Frances Street) sits 4 ft. from their front property line and our north neighbor (86 Frances Street) sits beyond the required 25 ft. ($25+4=29$, $29/2=14.5$) See [pages 10-11](#) (Adjacent setbacks) for additional documentation.

We have included many of our neighbors in the process making them aware of our plans and have shared preliminary plans to ensure that they are comfortable with the exterior design and façade.

Best,


Michael and Molly Collin
76 Frances Street, Portland, ME 04102

Enclosure:

1. [Appeal Application \(p. 2\)](#)
2. [Conditional Use Standards \(p. 3-4\)](#)
3. [Plot plan \(p. 5\)](#)
4. [Floor plans \(p. 6-7\)](#)
5. [Tax map \(p. 8\)](#)
6. Property photos
 - a. [Property Photos \(p. 9\)](#)
 - b. [Adjacent setbacks \(p. 10-11\)](#)
 - c. [Parking \(p. 12\)](#)
7. [Deed \(p. 13-14\)](#)



Jeff Levine, AICP, Director
Planning & Urban Development Department

Ann Machado
Zoning Administrator

CITY OF PORTLAND ZONING BOARD OF APPEALS
Conditional Use Appeal Application

Applicant Information:

Michael & Molly Collin
NAME

—
BUSINESS NAME

—
BUSINESS ADDRESS

—
BUSINESS TELEPHONE & E-MAIL

owner
APPLICANT'S RIGHT/TITLE/INTEREST

R-3
CURRENT ZONING DESIGNATION

Subject Property Information:

76 Frances St.
PROPERTY ADDRESS

187 E 018 & 019
CHART/BLOCK/LOT (CBL)

—
PROPERTY OWNER (If Different)

—
ADDRESS (If Different)

207.775.9120 mcollin@maine.rr.com
PHONE # AND E-MAIL

SECTION 14- 88(a)(2)
CONDITIONAL USE AUTHORIZED BY

EXISTING USE OF THE PROPERTY:

primary residence

TYPE OF CONDITIONAL USE PROPOSED:

addition to primary residence with an accessory unit

STANDARDS: Upon a showing that a proposed use is a conditional use under this article, a conditional use permit shall be granted unless the Board determines that:

1. The volume and type of vehicle traffic to be generated, hours of operation, expanse of pavement, and the number of parking spaces required are not substantially greater than would normally occur at surrounding uses or other allowable uses in the same zone; and
2. The proposed use will not create unsanitary or harmful conditions by reason of noise, glare, dust, sewage disposal, emissions to the air, odor, lighting, or litter; and
3. The design and operation of the proposed use, including but not limited to landscaping, screening, signs, loading deliveries, trash or waste generation, arrangement of structures, and materials storage will not have a substantially greater effect/impact on surrounding properties than those associated with surrounding uses of other allowable uses in the zone.

NOTE: If site plan approval is required, attach preliminary or final site plan.

The undersigned hereby makes application for a conditional use permit as described above, and certifies that the information herein is true and correct to the best of his OR her knowledge and belief.

[Signature]
SIGNATURE OF APPLICANT

9.14.16
DATE

Conditional Use Standards

Section 14-88 of the City of Portland Zoning Ordinance lists the alteration of a detached single-family dwelling to accommodate one (1) additional dwelling unit for the benefit of homeowners or tenants, as an acceptable conditional use in Zone R3 provided that:

- a. “The accessory unit shall be no more than thirty (30) percent of the gross floor area of principal building and shall have a minimum floor area four hundred (400) square feet; gross floor area shall exclude any floor area that has less than two-thirds of floor-to- ceiling height above the average adjoining ground level; gross floor area may include attic space if such space shall be included as habitable space within either dwelling unit.”
In the proposed plans the accessory unit measures 876 sf and is 28% of the gross floor area of the principal building (2,145 sf)
- b. “There shall be no open outside stairways or fire escapes above the ground floor.”
There are no outside stairways existing or as part of the proposed plans.
- c. “Any building additions or exterior alterations such as facade materials, building form, or roof pitch shall be designed to be compatible with the architectural style and to maintain the single-family appearance of the dwelling.”
The proposed plans have been designed to maintain the appearance of a single-family dwelling while remaining compatible with the architectural style of a cape design.
- d. “A minimum lot size of six thousand five hundred (6,500) square feet of land area shall be required”
The property lot of 76 Frances Street (TM 187 E018-19) measures 11,584.4 sf.
- e. “No dwelling unit shall be reduced in size to less than one thousand (1, 000) square feet of floor area, exclusive of common areas and storage in basement or attic.”
The proposed plans do not include any reduction in size.
- f. “Parking shall be provided as required by division 20 of this article.”
76 Frances currently has 4 parking spaces with three (3) surface parking spaces and an additional space in the garage. See [page 12](#) (Parking) for additional documentation.
- g. “The project shall be subject to article v (site plan) of this chapter for site plan review and approval”:
Supplemental documents included with this application are attached to comply with requirements of article V.
 - I. “Any additions or exterior alterations such as facade materials, building form and roof pitch shall be designed to be compatible with the architectural style of the building.”
The proposed plans have been designed to maintain the appearance of a single-family dwelling while remaining compatible with the architectural style of a cape design.

Conditional Use Standards

- II. “The scale and surface area of parking, driveways and paved areas shall be arranged and landscaped to properly screen vehicles from adjacent properties and streets.”

The proposed plan does not include any new surface area of parking, driveway or paved areas.

- h. “Either the accessory unit or principal unit shall be occupied by the lot owner, except for bona fide temporary absences.”

The Collin family will continue to occupy the principal unit.

It is noted in the Conditional Use Appeal Application that the Board may be concerned with the volume and type of vehicular traffic to be generated, hours of operation, expanse of pavement, and the number of parking spaces required that the proposed alteration may not be consistent with that which would normally occur at other surrounding uses in the R3 Zone

The applicants of this plan believe that the additional unit will have little effect on neighborhood traffic. Additionally, it is not necessary to increase pavement for additional off street parking spaces as the current site has a total of 4 available parking spaces.

The applicants also believe that this proposed conditional use does not:

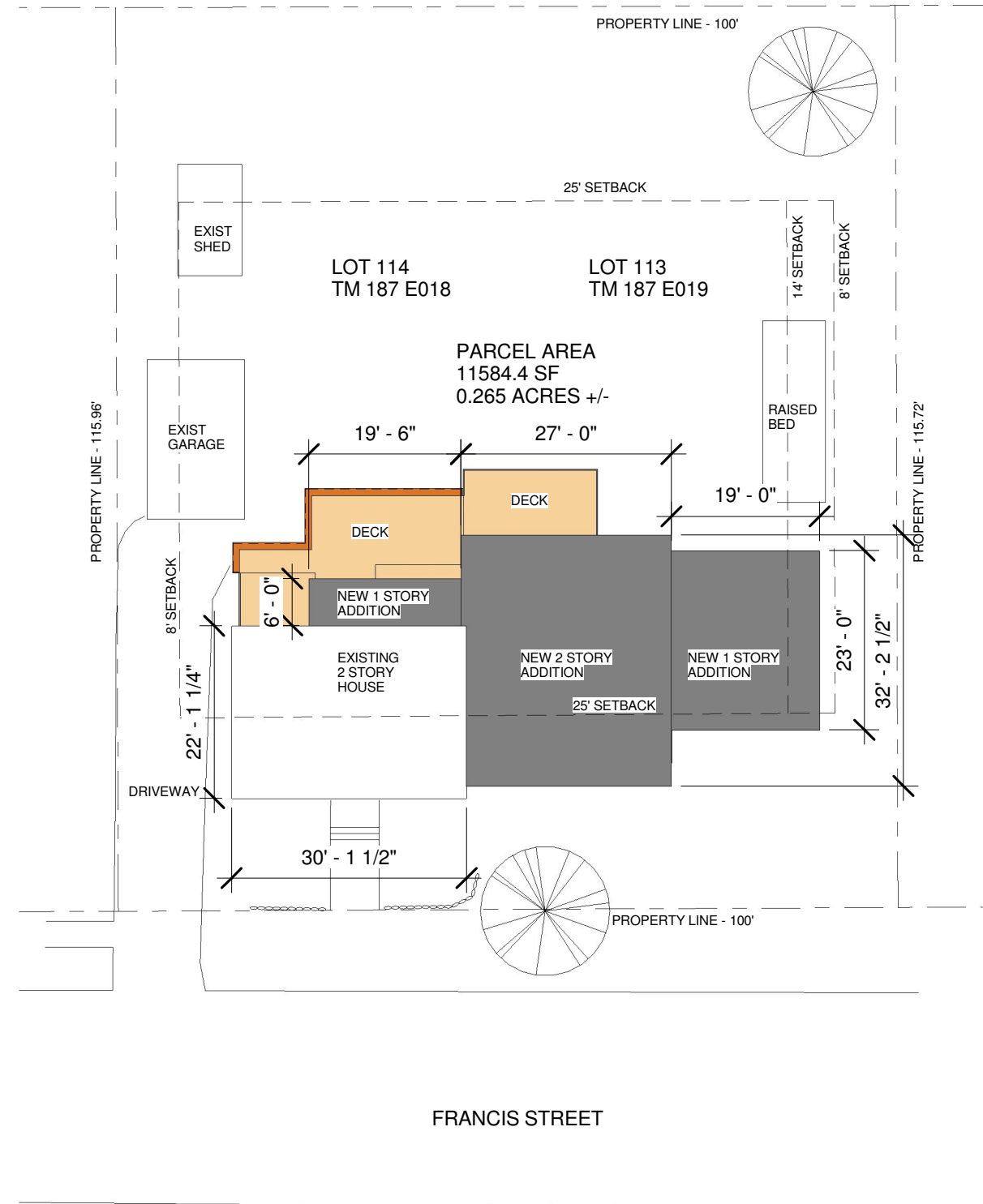
“create unsanitary or harmful conditions by reason of noise, glare, dust, sewage, disposal, emissions to the air, odor, lighting, or litter... **nor will** “the design and operation of the proposed use, including but not limited to landscaping, screening, signs, loading deliveries, trash and waste generation, arrangement of structures, and materials storage will not have a substantially greater effect/impact on surrounding properties than those associated with surrounding uses of other allowable uses in the zone.”



2 NW BIRDSEYE
G101

SQUARE FOOT CALCULATIONS:

Family 1:	Existing 1st and 2nd floor	1,055 sf
	New 1st and 2nd floor	750 sf
	New workshop	340 sf
Subtotal		2145 sf = 72% of total area
Family 2:	New 1st floor	876 sf
Subtotal		876 sf = 28% of total area
Total SF of dwelling		3021 sf = 100% of total area



1 SITE PLAN
G101 1" = 20'-0"

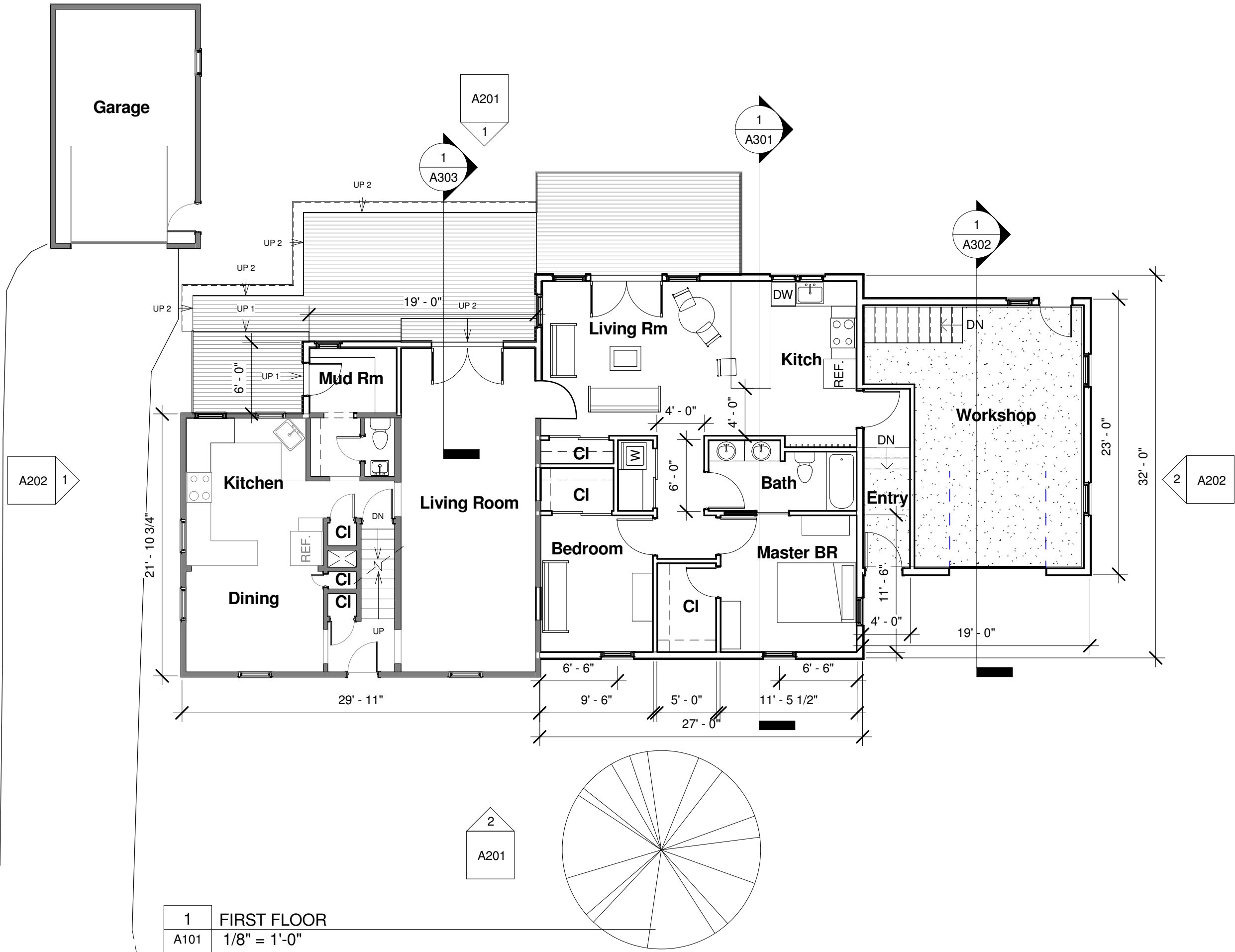
DRAWING TITLE:
SITE PLAN

PROJECT NAME:
COLLIN RESIDENCE
76 FRANCIS ST., PORTLAND MAINE

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DATE OF ISSUE
SEPT 13, 2016
DESCRIPTION
CONCEPTUAL
SCALE
1" = 20'-0"
PROJECT NUMBER
2015-0400

G101



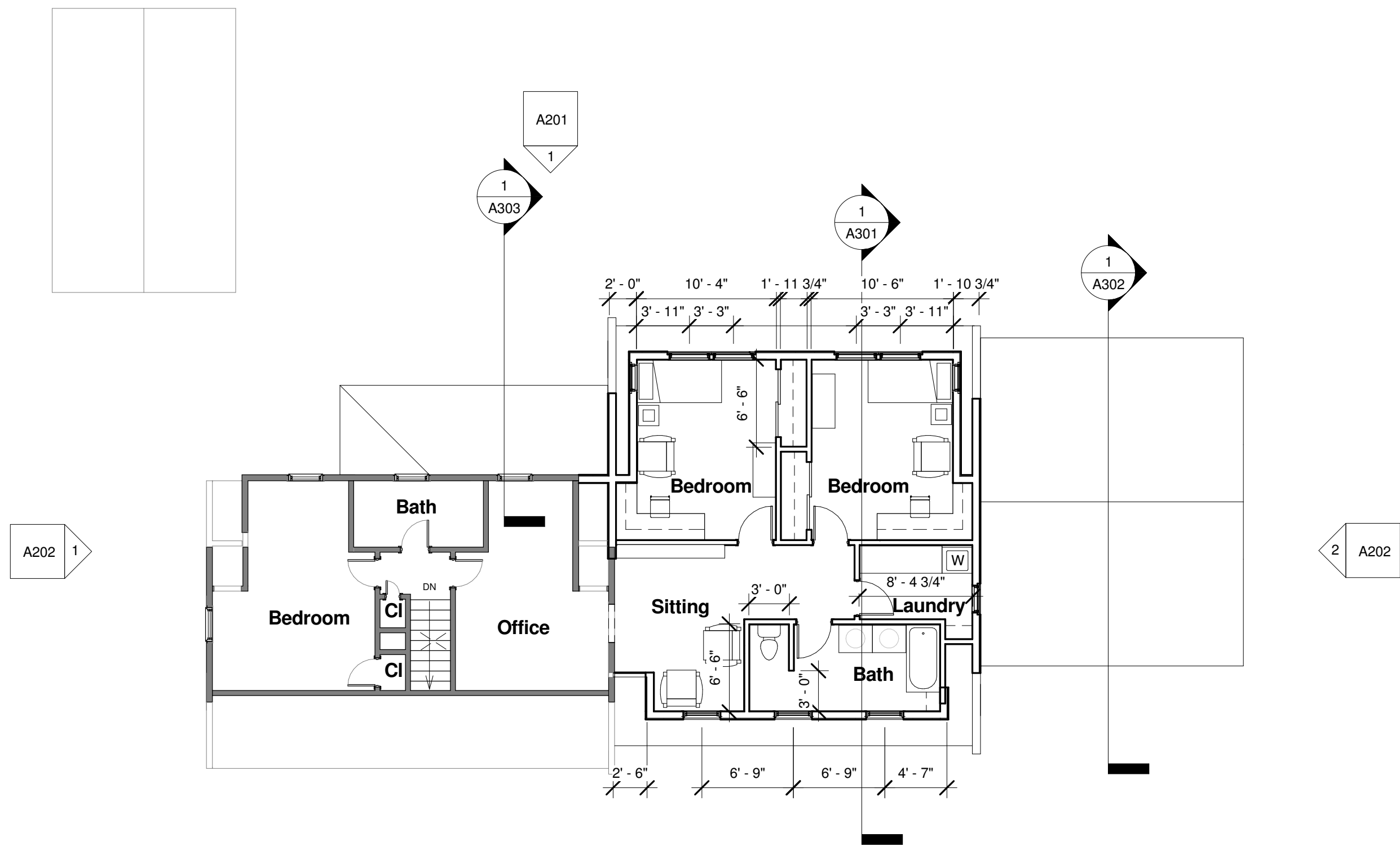
1	FIRST FLOOR
A101	1/8" = 1'-0"

DRAWING TITLE:
PROPOSED 1ST FLOOR PLAN

PROJECT NAME:
COLLIN RESIDENCE
 76 FRANCIS ST., PORTLAND MAINE

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DATE OF ISSUE
 SEPT 13, 2016
 DESCRIPTION
 CONCEPTUAL
 SCALE
 1/8" = 1'-0"
 PROJECT NUMBER
 2015-0400



1	SECOND FLOOR
A102	1/8" = 1'-0"

2
A201

DRAWING TITLE:

PROPOSED 2ND FLOOR PLAN

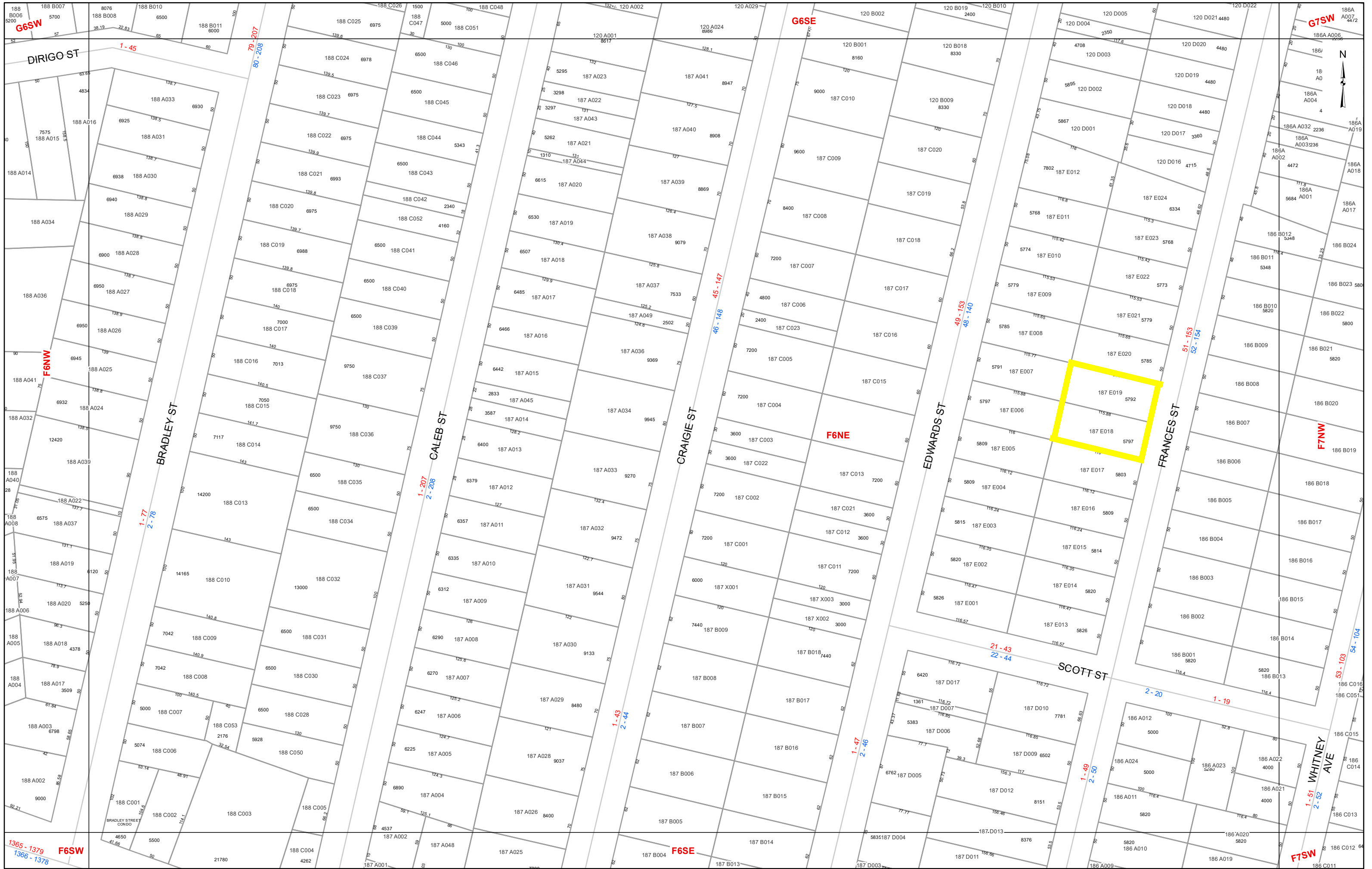
PROJECT NAME:

COLLIN RESIDENCE
 76 FRANCIS ST., PORTLAND MAINE

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A102



Property Photos

Collin
76 Frances St.



Front



Rear



Side

Adjoining Setbacks

page 1

Collin
76 Frances St.



Adjoining Setbacks

page 2

Collin
76 Frances St.



Parking

Collin
76 Frances St.



WARRANTY DEED

Susan Johnston n/k/a Susan Parks and Scott Parks

of 76 Frances Street, Portland, ME 04103

for consideration paid, grant to

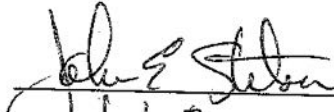
Michael H. Collin and Molly E. Collin

of 123 Glenwood Avenue #2, Portland, ME 04103, as **joint tenants and not as tenants in common**, with WARRANTY COVENANTS, the following described real property in Portland, County of Cumberland and State of Maine:

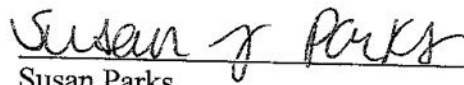
See Exhibit A attached hereto and made a part hereof

Also hereby conveying all rights, easements, privileges, and appurtenances, belonging to the premises hereinabove described.


WITNESS our hands and seals this May 30, 2003.



John E. Stetson
for both



Susan Parks



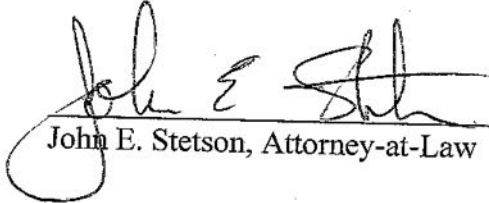
Scott Parks

State of Maine
Cumberland, ss.

May 30, 2003

Personally appeared before me the above-named Susan Parks and Scott Parks and acknowledged the foregoing instrument to be their free act and deed.

Before me,



John E. Stetson, Attorney-at-Law

MAINE REAL ESTATE TAX PAID

EXHIBIT A

A certain lot or parcel of land, situated on the westerly sideline of Frances Street, so-called, in the City of Portland, County of Cumberland and State of Maine and being lot numbered 113 on a plan of Congress Park, so-called, said plan being made by Illsley and Cummings, C.E. recorded in the Cumberland County Registry of Deeds in Plan Book 10, Page 113, to which plan reference is hereby made for a more particular description thereof.

This lot is conveyed subject to the restriction that no building shall be erected thereon within 15 feet of the street line.

Also a certain lot or parcel of land situated on the northwesterly side of Frances Street, in said City of Portland, being lot numbered 114 as shown on Plan of Congress Park recorded in said Registry of Deeds in Plan Book 10, Page (SIC) 113, to which plan referenced is hereby made for a more particular description. Said lot has a frontage of 50 feet on Frances Street and extends back northwesterly a distance of 116 feet on the southwesterly side and 115.88 feet on the northeasterly side.

For title reference see deed of Stephen W. Campbell and Robert J. Campbell to Susan Johnston and Scott Parks dated October 16, 1997 and recorded in Cumberland County Registry of Deeds in Book 13387, Page 266.

COLLIN-P

Received
Recorded Register of Deeds
Jun 02, 2003 12:06:30P
Cumberland County
John E. O'Brien

After Recordation, Return Document to:
Hopkinson, Abbondanza & Backer
511 Congress Street, Ste. 801
Portland, Maine 04101
(207) 772-5845